AUSA KKD

FILED
AUG 26 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8776

UNITED STATES OF AMERICA, Plaintiff, vs. Jorge Alberto BURGUENO-Miranda, Defendant.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

On or about August 25, 2008, within the Southern District of California, defendant Jorge Alberto BURGUENO-Miranda did knowingly and intentionally import approximately 54.56 kilograms (120.03 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Timothy L. Henderson
Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 26th DAY OF AUGUST, 2008.

Peter C. Lewis
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Jorge Alberto BURGUENO-Miranda

STATEMENT OF FACTS

This complaint is based upon the personal observations, investigation and information provided to U.S. Immigration and Customs Enforcement Special Agent Timothy Henderson.

On August 25, 2008, Jorge Alberto BURGUENO-Miranda (BURGUENO) made entry into the United States from Mexico through the Calexico, California west port of entry. BURGUENO was the driver of a Mitsubishi passenger car registered in his name. The passenger was identified as Ana Karina ROJAS-Paez.

Customs and Border Protection Officer (CBPO) M. Hernandez and CBP Canine Enforcement Officer (CEO) J. Jones were conducting pre-primary operations at the port of entry when BURGUENO made entry into the United States. CBPO Hernandez received a negative Customs declaration from BURGUENO. CEO Jones' Narcotic Detector Dog (NDD) alerted to the odor of a controlled substance in the area of the Mitsubishi. CBPO Hernandez escorted BURGUENO to secondary.

In secondary, a search of the Mitsubishi resulted in the recovery of 40 packages containing a green leafy substance concealed in a non-factory compartment in the floor of the vehicle. A sample of the substance field-tested positive for marijuana. The combined weight of the packages was 54.56 kilograms (120.03 pounds).

Special Agent (S/A) Timothy Henderson interviewed BURGUENO. S/A F. Castaneda read BURGUENO his constitutional rights per Miranda in Spanish with S/A Henderson present. BURGUENO waived his rights, agreeing to make a statement.

BURGUENO stated he believed he would be transporting marijuana into the United States. BURGUENO said he was to be paid to drive the Mitsubishi to Calexico, California.

Special Agent (S/A) Timothy Henderson interviewed ROJAS. S/A F. Castaneda read ROJAS her constitutional rights per Miranda in Spanish with S/A Henderson present. ROJAS waived her rights, agreeing to make a statement.

ROJAS stated she had no knowledge of controlled substances within the Mitsubishi. ROJAS said that BURGUENO had invited her to go with him to Wal-Mart, in Calexico, to shop. ROJAS was subsequently released.